

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

SONYA MICHELLE PITTMAN,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 1:18cv171-KKD
)	(WO)
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On March 1, 2018, Sonya Michelle Pittman, proceeding *pro se*, commenced this action by filing a petition captioned “Original Habeas Corpus Pursuant to Article I, § 9, Cl 2 of the United States Constitution and Title 28 § 2241 & § 2243 & § 2255/Notice and Demand to Dismiss for Lack of Federal Legislative Criminal Jurisdiction.” Doc. # 1. In her petition, Pittman claims that the government lacked jurisdiction to try her criminal case in the federal courts and that she is entitled to have her 2015 guilty plea conviction for methamphetamine distribution and her resulting twenty-year sentence vacated. *Id.* Through an order entered on March 16, 2018, this court informed Pittman that her petition attacking her conviction and sentence should be construed as a motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. Doc. # 2. Additionally, in accordance with *Castro v. United States*, 540 U.S. 375 (2003), the court notified Pittman of its intention to re-characterize her petition as a § 2255 motion and directed her to advise the court whether she wishes to (1) proceed under 28 U.S.C. § 2255 on the claims she presents in the construed § 2255 motion; or (2) amend the construed § 2255 motion to assert any additional

claims she wishes to assert under § 2255; or (3) withdraw the construed § 2255 motion.
Id.

On March 23, 2018, Pittman filed a response to the court's March 16, 2018 order stating that she wishes to withdraw the construed § 2255 motion. Doc. # 3. The court construes this response as Pittman's notice of voluntary dismissal under Rule 41(a)(1) of the Federal Rules of Civil Procedure.

Rule 41(a)(1)(A)(i) provides that a plaintiff may voluntarily dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment[.]" Fed.R.Civ.P. 41(a)(1)(A)(i). The United States has not filed a response, nor has it been directed to file a response, to Pittman's construed § 2255 motion.

Accordingly, it is ORDERED that this action is DISMISSED WITHOUT PREJUDICE under Federal Rule of Civil Procedure 41(a)(1). The Clerk is DIRECTED to close this case.

DONE this 27th day of March 2018

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
CHIEF UNITED STATES DISTRICT JUDGE